

THE EFFECTIVE DATE OF THIS ORDINANCE IS JANUARY 3, 2006

ORDINANCE NO. 06-01-397

OPINION, FINDINGS AND ORDINANCE  
OF  
THE BOARD OF COUNTY COMMISSIONERS  
OF  
FREDERICK COUNTY, MARYLAND

RE: APPLICATION OF MONOCACY LAND COMPANY, LLC  
REZONING CASE NO. R-05-02  
(BOXWOOD PROPERTY)

OPINION/FINDINGS

Monocacy Land Company, LLC filed this application to rezone 71.1 acres, more or less, from the Agricultural zoning district to the Planned Unit Development (PUD) floating zone to be included as part of the Urbana PUD. The property is located on the south side of Tabler Road, on the northwest side of Lew Wallace Street in the Urbana Region, all as more fully described in the record.

The rezoning request is for an amendment to the original Urbana PUD Phase I Plan for the purpose of redistributing residential density in the previously approved Phase I PUD Plan by expanding the development's geographic boundary. The expansion of the development's land area will not result in any increase in the development yield in the PUD since no additional units beyond the number approved in the Phase I PUD Plan are being requested.

The Boxwood Property has been zoned Agricultural since the inception of zoning districts in Frederick County in 1959. This property was not included in the initial Urbana PUD rezoning, but does appear to be one of the parcels included

conceptually in the "Leisure Village" project on the 1972 Frederick County Zoning Map, when it was zoned "A-1."

The staff of the Frederick County Planning Commission recommended approval of the PUD request with the following conditions:

1. Development of the Boxwood Property will be limited to 200 of the previously approved 3,013 dwelling units constituting a gross density of 2.8 dwellings per acre for the subject property.
2. The applicant shall set aside a minimum of 0.63 acres of open space representing 0.89% of the subject parcel area in order to maintain an overall open space set aside of 30% for the entire Villages of Urbana PUD.
3. The applicant shall provide adequate and environmentally-appropriate pedestrian access across the stream (west side of the property) to the future Urbana District Park.
4. The applicant shall continue to support pedestrian and bicycle access through the planning and construction of an inter-connected network of sidewalks, trails, and other circulation elements in keeping with the high standard established throughout previous phases of this PUD development.
5. The applicant shall plan for and provide street and pedestrian access to the adjoining property located on the northeastern side of the site within the future growth area by extending street rights-of-way to this property boundary or by constructing street stubs that can be connected to future, adjacent, off-site development.

Based on all of the evidence submitted in this case, the Board makes the following specific findings of fact (in addition to the findings above) on each of the matters mentioned in Md. Code Ann., Art. 66B, §4.05(a):

1. **POPULATION CHANGE:** According to the 2002 U.S. Census, the population of the Urbana Region is 10,686 persons. In the immediate local area surrounding this property, substantial recent development has occurred. The best available estimates of the current population in the neighborhood delineated in the Staff Report is approximately 4,091 persons. Since no additional units are requested as part of this rezoning, addition of this approximately 71.1 acre parcel to the Urbana PUD would

not result in any net population increase over currently approved development figures for the PUD.

## **2. AVAILABILITY OF PUBLIC FACILITIES**

### **A. SCHOOLS**

Since no additional units are requested in this rezoning, there will be no direct impact on the capacity at the local County schools.

### **B. FIRE AND RESCUE SERVICES**

The Urbana Volunteer Fire and Rescue Company provides fire and rescue services to this site. The Urbana Volunteer Fire and Rescue Company located on the south side of Maryland Route 355 is situated less than one-half mile from the Boxwood Property.

### **C. POLICE SERVICE**

The Frederick County Sheriff's Department and the Maryland State Police provide police protection. A 2,000 sq. ft. Sheriff's Office Substation is currently planned for FY 2008 and may be part of the Green Valley Fire and Rescue Substation project.

### **D. LIBRARIES**

The Urbana community is currently served by the County's central facility, the C. Burr Artz Library on East Patrick Street in the City of Frederick. A new regional library facility is planned for construction in the Urbana mixed-use town center. The new facility will serve as a regional center serving the southern part of Frederick County.

### **E. PARKS AND RECREATION FACILITIES**

Private community recreational facilities available to the residents in the PUD serve this property as well as the public programs and facilities provided by the Frederick County Parks and Recreation Department. The Urbana Community Park is located at the southern terminus of Lew Wallace Street at its intersection with old Maryland Route 355. A 95-acre Urbana District Park is proposed adjacent to this property to the west.

## **F. WATER AND SEWER**

The property is currently classified in the Frederick County Water and Sewerage Master Plan as W-5 Dev. & S-5 Dev. indicating service in seven (7) to twenty (20) years. The existing water and sewer facilities developed to serve the Villages of Urbana are currently constructed and in use.

## **3. PRESENT AND FUTURE TRANSPORTATION PATTERNS:**

### **A. EXISTING SITE ACCESS CHARACTERISTICS**

Current access to the site is provided at three points including the termini of two roads serving the Villages of Urbana on the southeastern end of the Boxwood Property. These roads, Seward Street and Beall's Farm Road, provide the most logical access points for a future site design on the Boxwood Property. The Beall's Farm Road terminus is also its intersection with Lew Wallace Street and would bring vehicular traffic to and from the planned development on this site. From this intersection, a vehicle would travel less than 1,200 feet to reach the new alignment of MD Route 355 (Worthington Blvd.), a primary north-south arterial roadway in the southern portion of Frederick County. Vehicular connection to Tabler Road would also be possible given the site characteristics of the Boxwood Property.

### **B. EXISTING AND PROJECTED TRAFFIC VOLUMES OF MAJOR ROADS IN VICINITY**

From the Maryland Department of Transportation, State Highway Administration's AADTS Reports, the traffic count at Maryland Route 80 (.4 miles east of Maryland Route 355) was 13,975 in 2004; at Maryland Route 355 (.5 miles south of Maryland Route 80) was 8,375 in 2004; and at Maryland Route 355 (.4 miles north of Maryland Route 80) was 10,375 in 2004.

### **C. COMPREHENSIVE PLAN DESIGNATIONS OF MAJOR ROADS IN VICINITY**

Maryland Route 355 is designated on the Frederick County Comprehensive Plan as a major arterial. Maryland Route 80 is a minor arterial and Interstate 270 is the primary north-south interstate freeway.

#### D. PLANNED IMPROVEMENTS

The eventual opening of the re-aligned Maryland Route 355 will have the most immediate impact on this portion of the Villages of Urbana PUD. Vehicular traffic will be able to move directly from the local road network within the Boxwood Property to a major arterial by way of a short segment of a local street (Lew Wallace Street). The development of this property is not likely to have a significant impact on traffic movement.

#### 4. COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA.

##### A. EXISTING LAND USES IN THE NEIGHBORHOOD

Much of the land to the north and east of the site remains in agricultural production. Adjacent to the west of the site is the future Urbana District Park. To the southeast of the site, across Lew Wallace Street, is low density, single-family housing in the Villages of Urbana. Approximately 800 feet to the south of the site along both sides of relocated Maryland Route 355 is land zoned for mixed use development.

##### B. SUBDIVISION ACTIVITY IN THE NEIGHBORHOOD

Of the 3,013 residential units planned to be constructed in the Villages of Urbana PUD, 1,819 lots have been recorded as of April 2005. The current planned density for this PUD is approximately 3.3 dwelling units per acre, not including the Boxwood Property.

##### C. SUMMARY

Although most of the neighboring lands to the north of the Boxwood Property are zoned Agricultural, the remaining lands surrounding the site are zoned for more intensive residential, commercial, office and mixed use development. Addition of this property to the Urbana PUD, without additional units, is compatible with existing and proposed development for the area.

#### 5. RECOMMENDATION OF THE FREDERICK COUNTY PLANNING COMMISSION: The Frederick County Planning Commission recommended approval of the PUD Zoning Map Amendment Request with the following conditions:

1. Development of the Boxwood Property will be limited to 200 of the previously approved 3,013 dwelling units constituting a gross density of 2.8 dwellings per acre for the subject property.
2. The applicant shall set aside a minimum of 0.63 acres of open space representing 0.89% of the subject parcel area in order to maintain an overall open space set aside of 30% for the entire Villages of Urbana PUD.
3. The applicant shall provide adequate and environmentally-appropriate pedestrian access across the stream (west side of the property) to the future Urbana District Park.
4. The applicant shall continue to support pedestrian and bicycle access through the planning and construction of an inter-connected network of sidewalks, trails, and other circulation elements in keeping with the high standard established throughout previous phases of this PUD development.
5. The applicant shall plan for and provide street and pedestrian access to the adjoining property located on the northeastern side of the site within the future growth area by extending street rights-of-way to this property boundary or by constructing street stubs that can be connected to future, adjacent, off-site development.

6. **RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE FREDERICK COUNTY COMPREHENSIVE PLAN:** The Boxwood property is located within the designated Urbana Regional Community in the Urbana Region Plan (2004). This site is also located within the Community Growth Limit designated on the Land Use Map. The site itself is designated for Low Density Residential use on public water and sewer with a defined residential density of 1 to 4 dwelling units per acre. In the surrounding neighborhood, this property sits north of an area of extensive Village Center-designated land comprising portions of the PUD and the traditional Village of Urbana. Immediately southeast of this property is land designated as Public Parkland; lands across Maryland Route 355 are designated as Office/Research use. Proposed development of this property under the Planned Unit Development is consistent with the County Comprehensive Plan.

The Board adopts the one-mile neighborhood delineated in the Staff Report.

Based on all the evidence submitted in this matter, the Board of County Commissioners determines that this project concept is both feasible and desirable. The Board finds that the proposal complies with all the purposes of the PUD classification

and will further those purposes. The Board finds that this proposal is compatible with adjoining land uses and will have no significant adverse impacts. The Board finds that this proposal is in the public interest. The Board finds that the required conditions are related both in nature and extent to the impact of the proposed rezoning. The Board establishes the maximum gross land use density to be the same as the maximum gross land use density for the Urbana Planned Unit Development.

The proposed PUD Floating Zone classification will be granted subject to the following conditions:

1. Development of the Boxwood Property will be limited to 200 of the previously approved 3,013 dwelling units constituting a gross density of 2.8 dwellings per acre for the subject property.
2. The applicant shall set aside a minimum of 0.63 acres of open space representing 0.89% of the subject parcel area in order to maintain an overall open space set aside of 30% for the entire Villages of Urbana PUD.
3. The applicant shall provide adequate and environmentally-appropriate pedestrian access across the stream (west side of the property) to the future Urbana District Park.
4. The applicant shall continue to support pedestrian and bicycle access through the planning and construction of an inter-connected network of sidewalks, trails, and other circulation elements in keeping with the high standard established throughout previous phases of this PUD development.
5. The applicant shall plan for and provide street and pedestrian access to the adjoining property located on the northeastern side of the site within the future growth area by extending street rights-of-way to this property boundary or by constructing street stubs that can be connected to future, adjacent, off-site development.
6. A thirty foot (30') vegetated buffer shall be established and maintained along this property frontage where it adjoins Lew Wallace Street and northwestern boundaries of the land bay, M-4, as they are identified in the schematic plan for the Villages of Urbana PUD.

## ORDINANCE

BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that for the reasons set forth above, Rezoning Case No. R-05-02 is hereby **GRANTED** for the reclassification of 71.1 acres of land, more or less (as delineated in the record), from the Agricultural classification to the Planned Unit Development (PUD) Floating Zone classification, subject to the following conditions:

1. Development of the Boxwood Property will be limited to 200 of the previously approved 3,013 dwelling units constituting a gross density of 2.8 dwellings per acre for the subject property.
2. The applicant shall set aside a minimum of 0.63 acres of open space representing 0.89% of the subject parcel area in order to maintain an overall open space set aside of 30% for the entire Villages of Urbana PUD.
3. The applicant shall provide adequate and environmentally-appropriate pedestrian access across the stream (west side of the property) to the future Urbana District Park.
4. The applicant shall continue to support pedestrian and bicycle access through the planning and construction of an inter-connected network of sidewalks, trails, and other circulation elements in keeping with the high standard established throughout previous phases of this PUD development.
5. The applicant shall plan for and provide street and pedestrian access to the adjoining property located on the northeastern side of the site within the future growth area by extending street rights-of-way to this property boundary or by constructing street stubs that can be connected to future, adjacent, off-site development.
6. A thirty foot (30') vegetated buffer shall be established and maintained along this property frontage where it adjoins Lew Wallace Street and northwestern boundaries of the land bay, M-4, as they are identified in the schematic plan for the Villages of Urbana PUD.



AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD, that the Zoning Administrator is hereby authorized and directed to make the appropriate change on the Zoning Map showing this reclassification, with conditions, as indicated above.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD, that the Phase 1 Plan for the Urbana PUD is amended to include this property.

The undersigned hereby certify that this Ordinance was approved and adopted on the 3rd day of January, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

By: Michael L. Cady  
Michael L. Cady, Vice President

By: John R. Lovell, Jr.  
John R. Lovell, Jr.

By: Jan H. Gardner  
Jan H. Gardner

ATTEST:

Douglas D. Browning  
County Manager

MTC 1/3/06

Commissioner John L. Thompson, Jr. voted against the proposed PUD Floating Zone classification. Commissioner Bruce L. Reeder did not participate in the decision on this application.